



Sen. James F. Clayborne Jr.

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09400SB1723sam002

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1 AMENDMENT TO SENATE BILL 1723

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1723, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Procurement of Domestic Products Act is  
6 amended by changing Sections 5, 10, 15, 25, and 30 as follows:

7 (30 ILCS 517/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Manufactured in the United States" means, in the case of  
10 assembled articles, materials, or supplies, that design, final  
11 assembly, processing, packaging, testing, or other process  
12 that adds value, quality, or reliability occurs in the United  
13 States.

14 "Procured products" means assembled articles, materials,  
15 or supplies purchased by a State agency.

16 "Purchasing agency" means a State agency.

17 "State agency" means each agency, department authority,  
18 board, commission of the executive branch of State government,  
19 including each university, whether created by statute or by  
20 executive order of the Governor.

21 "United States" means the United States and any place  
22 subject to the jurisdiction of the United States.

23 (Source: P.A. 93-954, eff. 1-1-05.)

1 (30 ILCS 517/10)

2 Sec. 10. United States products. Each purchasing agency  
3 making purchases of procured products ~~manufactured articles,~~  
4 ~~materials, and supplies~~ shall promote the purchase of and give  
5 preference to manufactured articles, materials, and supplies  
6 that have been manufactured in the United States. Procured  
7 products ~~Manufactured articles, materials, and supplies~~  
8 manufactured in the United States shall be specified and  
9 purchased unless the purchasing agency determines that any of  
10 the following applies:

11 (1) The procured products ~~manufactured articles,~~  
12 ~~materials, and supplies~~ are not manufactured in the United  
13 States in reasonably available quantities.

14 (2) The price of the procured products ~~manufactured~~  
15 ~~articles, materials, and supplies~~ manufactured in the  
16 United States exceeds by an unreasonable amount the price  
17 of available and comparable procured products ~~manufactured~~  
18 ~~articles, materials, and supplies~~ manufactured outside the  
19 United States.

20 (3) The quality of the procured products ~~manufactured~~  
21 ~~articles, materials, and supplies~~ manufactured in the  
22 United States is substantially less than the quality of the  
23 comparably priced, available, and comparable procured  
24 products ~~manufactured articles, materials, and supplies~~  
25 manufactured outside the United States.

26 (4) The purchase of the procured products ~~manufactured~~  
27 ~~articles, materials, and supplies~~ manufactured outside in  
28 the United States better serves ~~is not in~~ the public  
29 interest by helping to protect or save life, property, or  
30 the environment.

31 (5) The purchase of the procured products ~~manufactured~~  
32 ~~articles, materials, or supplies~~ is made in conjunction  
33 with contracts or offerings of telecommunications, fire  
34 suppression, security systems, communications services, ~~or~~

1 Internet services, or information services.

2 (6) The purchase is of pharmaceutical products, drugs,  
3 biologics, vaccines, medical devices used to provide  
4 medical and health care or treat disease or used in medical  
5 or research diagnostic tests, and medical nutritionals  
6 regulated by the Food and Drug Administration under the  
7 federal Food, Drug and Cosmetic Act.

8 In determining the price of procured products ~~manufactured~~  
9 ~~articles, materials, and supplies~~ for purposes of this Section,  
10 consideration shall be given to the life-cycle cost, including  
11 maintenance and repair of those procured products ~~manufactured~~  
12 ~~articles, materials, and supplies~~.

13 (Source: P.A. 93-954, eff. 1-1-05.)

14 (30 ILCS 517/15)

15 Sec. 15. Contracts; prequalification.

16 (a) Each contract awarded by a purchasing agency on or  
17 after the effective date of this Act through the use of the  
18 preference required under Section 10 shall contain the  
19 contractor's certification that procured products ~~manufactured~~  
20 ~~articles, materials, and supplies~~ provided pursuant to the  
21 contract or a subcontract shall be manufactured in the United  
22 States.

23 (b) Chief procurement officers, as provided in Section  
24 20-45 of the Illinois Procurement Code, and the Capital  
25 Development Board, as provided in Section 30-20 of the Illinois  
26 Procurement Code, must promulgate rules for prequalification  
27 of suppliers and contractors under this Section.

28 (Source: P.A. 93-954, eff. 1-1-05.)

29 (30 ILCS 517/25)

30 Sec. 25. Penalties. If a contractor is awarded a contract  
31 through the use of a preference under this Act and knowingly  
32 supplies procured products ~~manufactured articles, materials,~~

1 ~~or supplies~~ under that contract that are not manufactured in  
2 the United States, then (i) the contractor is barred from  
3 obtaining any State contract for a period of 5 years after the  
4 violation is discovered by the purchasing agency, (ii) the  
5 purchasing agency may void the contract, and (iii) the  
6 purchasing agency may recover damages in a civil action in an  
7 amount 3 times the value of the preference.

8 (Source: P.A. 93-954, eff. 1-1-05.)

9 (30 ILCS 517/30)

10 Sec. 30. Capital Development Board; exemption. The Capital  
11 Development Board (CDB) is exempt from the requirements of this  
12 Act with respect to a specific project if (i) CDB determines  
13 that the project is too complex for the 5 major construction  
14 building trades to identify the numerous individual procured  
15 products ~~articles, materials, and supplies~~ required for the  
16 project or (ii) CDB determines that procured products ~~the~~  
17 ~~articles, materials, and supplies~~ required for the project are  
18 too numerous or complex to be able to efficiently assess the  
19 sites where manufactured.

20 (Source: P.A. 93-954, eff. 1-1-05.)".